

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Kevin Hall

v.

Case No. 08-cv-352-PB

State of New Hampshire

O R D E R

On August 20, 2009, Kevin Hall filed a notice of appeal (Doc. No. 15) from my order dismissing his petition for habeas corpus relief pursuant to 28 U.S.C. § 2254. I now construe plaintiff's notice of appeal as an application for certificate of appealability. Hall's claims were dismissed without prejudice for failure to exhaust state court remedies. Hall has failed to explain why this ruling was erroneous. Accordingly, I determine that plaintiff has failed to make a substantial showing of the denial of a constitutional right and decline to issue a certificate of appealability.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

January 21, 2010

cc: Kevin D. Hall, pro se